

**COMMITTEE ON SPECIAL PERMITS  
TUESDAY, APRIL 13, 2021 at 6:07 p.m.  
WOBURN CITY HALL  
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Alderman Joanne Campbell, Alderman Jeffrey Dillon (late), Alderman Darlene Mercer-Bruen, and Alderman Michael Lannan

Non-voting members present: Alderman Joseph Demers, Alderman Michael Concannon, Alderman Robert Ferullo, and President Edward Tedesco

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**Reading of meeting minutes of March 22, 2021:** Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to approve the minutes of the previous meeting; in favor, 4-0.

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**Jackson Lumber for special permit: 1. To amend a special permit to allow additional drainage and pavement to expand parking lot; and 2. Alteration of existing use to allow for drainage and pavement, at 36 Prospect Street:** Chairman Gately said he has spoken to Attorney Mark Salvati, who represents Jackson Lumber. He said Attorney Salvati will provide the City Council with more information when the public hearing resumes on May 4. Alderman Mercer-Bruen asked if Attorney Salvati will offer a proposed list of conditions. Chairman Gately said the applicant is still working with DPW Supt. John Duran and they should have the conditions wrapped up in a week or so.

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**Landmark News Group Inc. dba Wicked Bagel Woburn, 171 Mass. Avenue, Lexington, Mass., for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow a fast food restaurant at 345 Washington Street aka 8 Cummings Park:** Representing the petitioner was John Mahoney, of 171 Massachusetts Avenue, Lexington, MA. Chairman Gately said there were a lot of questions about parking and a few other things during the public hearing. Mr. Mahoney said he is the husband of the woman who owns Wicked Bagel. He said he has not had an opportunity to undertake a traffic study. He said he was able to obtain a signed and stamped floor plan from an architect. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to receive and make part of the permanent record a document from VU Architecture, 167 Annie Moore Road, Bolton, MA entitled "Proposed Interior Alteration 345 Washington St., Woburn, MA" and dated April 12, 2021; approved, 4-0. Mr. Mahoney said the Wicked Bagel shop will occupy +/- 1,725-square-feet. Alderman Mercer-Bruen said she is not terribly concerned about this business operating at this location. She said she is going to ask the City Council to support the special permit because of the small size of the business. She said she thinks it will operate quite nicely. She said she does want to discuss some

conditions, including hours of operation. She asked Mr. Mahoney if he intends to open the bagel shop at 5 a.m. Mr. Mahoney replied they plan to open the bagel shop from 6 a.m. to 3 p.m., seven days. He said due to Covid-19 factors they are currently operating their other shops from 7 a.m. to 2 p.m. Alderman Mercer-Bruen asked what the hours of operation will be when the pandemic ends. Mr. Mahoney said they intend to be open from 6 a.m. to 3 p.m. once the pandemic ends. President Tedesco asked what time deliveries will arrive. Mr. Mahoney said deliveries will usually occur between 6:30-8 a.m. President Tedesco asked if there will be any deliveries before 6 a.m. Mr. Mahoney said there will be no deliveries before 6 a.m. Alderman Mercer-Bruen asked if Mr. Mahoney is working with the city's Plumbing Dept. regarding the installation of grease and oil traps. Mr. Mahoney said he is. Alderman Mercer-Bruen said the City Council typically makes special permits non-transferable. She said the special permit does not stay with the property. She asked Mr. Mahoney if he is okay with that. Mr. Mahoney said that is fine. He said he went to the property on Saturday at 6:45 a.m. and he was surprised by how quiet it was. He said there will be no traffic issues on Saturday mornings. Alderman Mercer-Bruen said there is a short window for breakfast. She said she is not concerned about additional traffic. She said if there was a drive-through component, that would be a different issue. Chairman Gately asked who will be handling trash removal. Mr. Mahoney said Charles George handles trash removal. Chairman Gately said he expects Cummings Properties will handle snow removal. Alderman Mercer-Bruen said those are the only conditions she has. Chairman Gately asked if any other members of the committee have questions. Alderman Campbell said she is ready to go. She said she thinks this is great. She said she does not think Wicked Bagel will generate a lot of new traffic. She said she does not think Mr. Mahoney needs to submit a larger plan. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that the special permit "ought to pass" with the following conditions: 1.) Hours of operation shall be from 6 a.m. to 3 p.m., seven days; 2.) The petitioner shall follow city ordinance in regard to the installation of oil and grease traps; 3.) There shall be no deliveries to the site before 6:30 a.m.; 4.) The plan from VU Architecture, 167 Annie Moore Road, Bolton, MA entitled "Proposed Interior Alteration 345 Washington St., Woburn, MA" and dated April 12, 2021, shall be submitted to the Building Commissioner; 5.) The petitioner shall maintain adequate rodent control, and; 6.) The special permit shall be issued to Landmark News Group Inc. dba Wicked Bagel Woburn, 171 Mass. Avenue, Lexington, Mass., and is not transferrable. The City Council shall also establish a finding that the special permit is appropriate due to the small (+/-1,725-square-feet) size of the venue; approved, 4-0. Mr. Mahoney said he would like to explore the possibility of putting a couple of tables outside the restaurant. President Tedesco said outdoor dining approval is handed by executive fiat and he should contact the mayor. Clerk said he will send an outdoor dining application to Mrs. Mahoney via email on Wednesday.

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**Crossroads Properties, LLC, c/o Cummings Properties, LLC, 200 West Cummings Park, for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.3 and 12.2.4 to allow construction of a two-story, 12,375 gross square foot addition to existing two-story pre-existing non-conforming structure at 299 Washington Street:**

Representing the petitioner was Michael Aveni, Senior Project Architect, Cummings Properties LLC, 200 West Cummings Park, Woburn, MA. Mr. Aveni said there were a couple of questions lingering from the public hearing.. He said the second floor of the proposed addition will be used for storage space. He said the math works. He said the former Sal's Pizza shop and the first floor

of the addition are going to be taken over by two existing clients. He said he worked up a couple of different options, one with office space and the other with research and testing. He said both will allow the facility to comply with parking requirements. Alderman Campbell said she is satisfied as long as the number of parking spaces meets the requirement. Alderman Mercer-Bruen said she will propose a condition that requires the property owner to submit a parking plan that delineates parking for all four tenants. She said she would like to see that condition attached to the special permit. She said she went by the premises on Friday at 3 p.m. and the parking lot was pretty full. Mr. Aveni asked if there was an event going on at the Elks Club next door at that time. He said the front portion of the parking lot typically is full with tenants but the back portion of the lot is always wide open. He said there have not been any challenges with parking on that site. Mr. Aveni said he received a letter from the City Engineer with comments. He said City Engineer John Corey wrote the existing water and sewer facilities are adequate. He said the part of Engineer Corey's memo he finds interesting is the section is the I&I mitigation. He said the I&I regulations are very clear that it is for new construction. He said they are not proposing new construction. He said the ordinance is incredibly clear. Alderman Mercer-Bruen said the petitioner is proposing to build a fairly substantial addition that will require more water and sewer usage. Mr. Aveni said Sal's Pizza used about 750 gallons of water per day. He said with the 12,000-square-foot addition the expected use is about 375 gallons of water per day. He said he is hoping to provide the council with his math. Alderman Mercer-Bruen said Mr. Aveni should be providing his calculations to Engineer Corey. Chairman Gately asked if the grease trap for Sal's Pizza is still there. Mr. Aveni said that grease trap may still be there, but he suspects it will have been cleaned. Chairman Gately said the grease trap is something the petitioner may want to remove. Alderman Mercer-Bruen said submitted the following proposed conditions for discussion: 1. Project provides satisfactory exterior lighting that does not create glare or issues with traffic safety. She said this is obvious. 2. A construction management plan, including where construction vehicles are to be stored will be filed with the building department prior to the issuance of a building permit. 3. Construction shall not impede the flow of traffic on Cedar or Washington Street. Details must be hired in the event that construction plans will cause impede traffic flow. A traffic management plan is to be filed with the building department and police department. She said this is a big one. She said the building is smack dab in the middle of the Washington Street commercial corridor. 4. A snow storage/removal plan to be filed with the building department prior to the issue of a building permit. 5. The petitioner agrees to forfeit all rights to any future restaurant use or fast food use at this location. 6. Except for the event of an emergency, exterior construction activities on the Site shall be from 7am to 6pm, Monday-Friday and 8am-4pm on Saturdays. No construction allowed on Sundays, or any holidays in which the building department is closed. She said this is important. She said there is a nursing home and a residential area, including an apartment building, in proximity to the site. 7. Adequate rodent control will be in place pre and post construction. 8. All parking spots to be clearly lined and numbered. A parking plan delineating parking for all (4) tenants is to be provided to the building department and city council and kept on file with this special permit. Mr. Aveni asked if the parking spaces will be expected to have physical numbers. Alderman Mercer-Bruen said that is the idea. She said numbered spaces will be easy for the city to audit. Mr. Aveni replied he would rather provide the city with a plan with numbered spaces rather than number the parking spaces. Alderman Mercer-Bruen said as long as the spaces are numbered on the plan, that will be fine. 9. Petitioner agrees to eliminate the curb cut to Washington Street. Mr. Aveni said the petitioner does not propose to do that. He said the petitioner is comfortable with maintaining the left turn

restriction from that was a vestige of the Au Bon Pain era. He said it makes sense to leave that curb cut open so cars coming from the south can turn into the parking lot. Alderman Mercer-Bruen asked if Mr. Aveni would be willing to replace the no left turn sign with a new sign. Mr. Aveni said that will be fine. Alderman Mercer-Bruen asked if Mr. Aveni is willing to make the access from Washington Street and “enter only” curb cut. Mr. Aveni said that is not a horrible idea. President Tedesco asked if limiting the Washington Street curb cut to enter only will create a zoning issue because if the legal entrance is Washington Street, then there must be an access and an egress. Alderman Mercer-Bruen said Mr. Aveni may be right. Mr. Aveni said with the elimination of the restaurant use, traffic using the Washington Street curb cut will be negligible. Chairman Gately said the restaurant didn’t generate a lot of traffic anyway. He said he feels comfortable with the addition. He said it will be a lesser use than Sal’s. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that the special permit “ought to pass,” with the elimination of the words “and numbered” from Alderman Mercer-Bruen’s proposed condition #8, and the substitution of proposed condition #9 with “Prohibition of left turns from the Washington Street access/egress and replacement of the existing ‘No Left Turn’ sign with a new sign;” approved, 4-0.

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**Woburn (Edens), LLC, 21 Customs House Street, Suite 450, Boston, Mass., pursuant to 1989 Woburn Zoning Ordinances, as amended, Section 30.13.2 for an amendment to special permit and plan approval dated June 13, 2019, modified April 10, 2020, modified December 3, 2020 to allow reconfigured retail and restaurant building pads including rooftop dining and interactive outdoor retail, restaurant and entertainment/special events uses in place of deferred construction of cinema building, parking and circulation modifications, utility modifications and building envelope adjustments at 300 Mishawum Road:** Representing the petitioner were Keith Hague, Vice-President – Construction and Development; and Brad Dumont, Managing Director, Edens, 21 Custom House, Suite, 450, Boston, MA. Mr. Hague said Edens received from Alderman Mercer-Bruen a proposed list of conditions. In regard to rooftop dining, he said he wants to make sure the tenant does not have to come back to the council for permission. Alderman Campbell said she sees what look like two sets of stairways on the rendering and asked what they are supposed to represent. Mr. Hague said Alderman Campbell is referring to what is known as retail incubators. He said the goal is to bring in tenants to occupy smaller spaces at first and have them work toward long-term solutions. Alderman Campbell asked what they would do up there. Mr. Hague said that has not been worked out. Alderman Campbell said there appears to be another retail incubator to the right of the stairway. Mr. Hague said their vision is for two spaces that are about 10 feet by 12 feet, which he said are fairly small units. Alderman Campbell said she likes the concept, but it looks a little chaotic. She said she is a little concerned about the splash park. She said she is concerned about safety. Mr. Hague said the splash park has been designed so that the users are protected. He said kids cannot run out into traffic. He said the splash park is not as chaotic as it might appear on the rendering. Alderman Campbell said that information makes her feel better. She said she is also a little concerned about the concert pad. She asked how many concerts are planned. She said she is not sure how the city will regulate the size of the crowds at the outdoor concerts. She said she has concerns about noise. She asked how many concerts are planned per year. Mr. Hague said he would call the concert venue more of a bandstand. He said there will

only be a few people there. He said they are not planning to bring in major acts like Sting or The Police. He said the venue is fairly small and the bandstand will have enough room for a couple of instrumentalists and a singer. Alderman Campbell asked about noise. Mr. Hague said Edens is partnering with Avalon for the residential component of the project and Avalon provides amenities like this all the time, and the comfort of residents is taken into account. Alderman Campbell said if the concert venue gets out of control, the council can look into it. Alderman Mercer-Bruen said she has some concerns about some of the changes Edens attorney Mark Vaughan made to the proposed list of conditions. She said she would like to see an audit of the parking. She said she would like to replace the word "monitoring" with "auditing," and require the City Council to receive a copy of the audit. Alderman Dillon arrived at 6:50 p.m. Alderman Mercer-Bruen said she understands the term "monitoring" was used until a couple of years ago. She reads Condition 5, Part A, Section ii and said she would like language that indicates the parking assessment will be paid for by Edens. Mr. Hague said that works for Edens. Alderman Mercer-Bruen said she has concerns about the proposed theater. She said she knows Edens wants to reserve the right to open the theater at some point but asked why that is important since the theater industry has changed so much since the onset of Covid-19. Mr. Hague said that in order to market the property, Edens needs to reserve the right to build the theater. He said they are agreeing to a restriction for the cinema use. Alderman Mercer-Bruen said Edens would have to come back to the council if that changes. She said Attorney Vaughan suggested changing the term to an entertainment venue and she is concerned about that. Mr. Dumont said the developer does not really know what is going to happen with the cinema industry. He said the theater probably won't be what is in the plan and Edens will have to come back to the council in any event. Alderman Mercer-Bruen asked how far in the future Edens is talking about. Mr. Dumont said Edens has the right to build a cinema. He said they have two restaurants that signed up to be part of the development based partly on the attraction of a cinema. He said they also need to have flexibility for their investors. He said they are trying to thread the needle. Alderman Mercer-Bruen said that would be an argument for Edens' investors. She said she is not trying to be difficult. She said she is trying to understand the end game. Mr. Hague said their vision is to have a mixture of residential and commercial components. He said they are trying to determine the best way to attract people without the cinema. He said they are investing a great deal of money to improve the area. Chairman Gately said the original proposal included a cinema and a parking garage. He said the council does not want to have something unknown go in there. He said that has happened before at other locations. Mr. Dumont said Edens has done everything it has supposed to do. He said no one could have predicted the entire cinema industry would have collapsed overnight. He said he is confused. He said Edens and the council have had this conversation in the past and now it seems Edens is being accused of doing something deceitful. Alderman Mercer-Bruen said no one is saying Edens is being deceitful. She said Edens is asking the council to reserve the right to change the development without coming back to the council and asked why the council would do that. Mr. Hague asked what control the council is losing, because it already approved the cinema. Alderman Mercer-Bruen said the cinema changes the whole development. She said it seems like this is a way for Edens to protect its investment. President Tedesco said he has no issue with the language in condition #6 of Attorney Vaughan's proposed draft. He said there is a reference to the cinema use. He said he does not see what the change would be for the green area and the theater. He said this can work, with the proposed language. Alderman Campbell said she is okay with condition #6. She said she agrees with Alderman Mercer-Bruen's statement about wanting to know what Edens' plans are for the future.

She said she does not think what Alderman Mercer-Bruen is asking for is inappropriate. Mr. Hague said Edens is being completely transparent. He said they are indicating they want to do something nice. He said Edens wants to retain the right to build a cinema. Alderman Campbell said she does not have a problem with it. He said they are reducing the size of the cinema from 38,000-square-feet to 28,000-square-feet. She said she does not understand why Mr. Hague is getting upset. She said she does not have a problem as long as the cinema remains a cinema. She asked why the size of the cinema is being reduced by 10,000-square-feet. Mr. Hague said the restaurants have been redesigned. He said the maximum size of the cinema will be 28,000-square-feet. Alderman Mercer-Bruen said the definition of a cinema in four years could be very different from the definition of a cinema today. President Tedesco said there is a definition of a cinema in the zoning ordinance, but he noted the language was written in 1985. Alderman Mercer-Bruen said there have been people who come before the council who are not as transparent as Edens seems to be. She said this is an exciting project but it has to be done right. Mr. Hague said Edens has heard all the concerns. He said he hopes the members of the council know Edens delivered exactly what the council wants. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to suspend the rules to allow any member of the council not on the committee to speak; approved, 5-0. Chairman Gately asked is any member of the council not on the committee wished to speak on the matter. Alderman Concannon asked if it would be appropriate to strike the last sentence of condition #6. He said that would give him a little more comfort. President Tedesco said the last sentence of condition #6 clarifies that Edens would have to come back to the council. Mr. Dumont said Edens is fine with striking the last sentence. Alderman Concannon said he would prefer that to be removed. Alderman Demers said the council needs to look forward. He said the council has had petitioners in the past who have tried to move the goal posts. He said the term "entertainment venue" is vague. He said he would think that was a concert venue. He said he appreciates the specificity here. He said he wants to make sure there are safeguards so the applicants don't come back in six years looking for something other than a cinema. He said he would like to see conditions that make everyone sleep well at night. He said he does not want the applicants to come back with a proposal which the council does not see here. Chairman Gately asked about the status of the path to the Anderson Regional Transportation Center. Mr. Hague said Edens agreed to fund the study. He said they have not seen the study. He said they are waiting for it just like the council. Alderman said there is an RSA for Commerce Way forthcoming. She said once that is presented the study for the walkway to Anderson RTC will move forward. Chairman Gately said the pathway to the Anderson station sealed the deal for the Woburn Mall project. He said Edens is doing a fabulous job, but the council has to protect itself. Alderman Lannan asked if there will be refrigeration under the ice rink. Mr. Hague said they are still exploring options for the components of the ice rink. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to return to the regular order of business; approved, 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to strike from proposed condition #6 the final sentence beginning the with "However ...;" to amend proposed condition 5.ii.v by adding the following language "...;" to add the phrase "prior to submission of a building permit application" to the end of proposed condition #9; to revise proposed condition #14 to read: "All prior conditions of the special permit shall be in full force and effect unless modified herein," approved, 5-0. Alderman Mercer-Bruen said there is no condition #8 on the draft. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to re-number the conditions after condition #7 to reflect the proper numerical order; approved, 5-0. Motion made by Alderman Mercer-Bruen and

seconded by Alderman Dillon to grant the modification with the 13 conditions approved by the committee; approved, 5-0.

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**ECA NEMA Brightfields I LLC and ECA NEMA Brightfields II LLC for Site Plan Review to allow one 2,451 MWAC ground-mount solar photovoltaic energy generating facility and one 498 kWAC ground-mount solar photovoltaic energy generating facility at the Industri-Plex site at 134 Commerce Way, 39 Atlantic Avenue, 132 Commerce Way, four parcels off New Boston Street, 30 Atlantic Avenue and 0 New Boston Street:** Representing the petitioner were Todd Fryatt, President; and Andrew Bunnell, In-House Counsel, ECA Solar LLC, 282 Moody Street, Suite 202, Waltham, MA. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to receive and make part of the permanent record a document from ECA Solar entitled "Parcel Overlay Layout" dated April 13, 2021; approved, 5-0. Attorney Bunnell said the proposed solar energy project is located in an IP-2 zoning district. He said the applicant is scheduled to go forward on April 20 but they will ask for a continuance because they have to go before the Conservation Commission. He said their project is not likely the change at this point. Alderman Mercer-Bruen said when the council last discussed the solar project, the council asked to see representative pictures. Attorney Bunnell said he can provide those. Alderman Mercer-Bruen asked how the Boston Edison easement will impact the solar array. Attorney Bunnell said the easement is above ground, not underground. Chairman Gately asked how far the solar array will be from the Anderson Regional Transportation Center property. Mr. Fryatt said the Anderson RTC parcel abuts the northeast corner of Lot 3 of the applicant's property. Chairman Gately said there is a water main was installed in that area and asked how close the solar array will be to the water main. Attorney Bunnell said he does not think the solar array will impact anything underground. He said they will not impact the protective cap. He said they have worked very closely with EPA. He said the only digging that will occur is for poles and to replace a fence. Chairman Gately said he would like to see what the solar array will look like. Attorney Bunnell said he will submit pictures. Alderman Mercer-Bruen asked who will benefit from the solar power generated at the site. Mr. Fryatt said this is the fourth solar array the company will establish in Woburn. He said there is no determination yet if the city will receive any of the green power. He said his hope is the city will benefit 100 percent. He said they are in preliminary discussions with the mayor. Alderman Dillon stressed the importance of not rupturing the protective membrane at the Superfund site. He said he does not want to disturb the cap. Attorney Bunnell said the applicant has worked with the EPA. He said the applicant will install a ballasted racking system that will leave no impression on the cap. Mr. Fryatt said the solar array at the Industri-Plex site will be similar to the solar array at the old North Woburn landfill. He said the stakes are much higher here. He said they have to follow EPA guidelines with no questions. He said they have an environmental engineer that has guided them through the process. He said everything they do has to be consistent with environmental controls. Attorney Bunnell said they reached out to EPA from day one. He said they understand what they're getting into. He said they understand the site is very important to the city of Woburn. He said this project is not a drop in the bucket. He said they are taking the process very seriously. Chairman Gately asked if the applicant has devised a maintenance schedule. Attorney Bunnell replied the Planning Board issued some comments about maintenance. Chairman Gately asked if the maintenance schedule will be available to the City Engineer and the Building Dept. Attorney Bunnell said they will provide a construction and maintenance schedule to the relevant city

agencies. Alderman Gately asked how the applicant intends to replace solar panels that fail. Mr. Fryatt said replacement panels are not that heavy and they can be walked in. Attorney Bunnell said once the solar array is established, the only access to the site will be for maintenance. He said everything will be sealed up. He said there are no underground cables, for obvious reasons. He said there is no impact underground. Alderman Dillon asked how security to prevent vandalism will be handled. Mr. Fryatt said everything will be fenced in. He said they are working with Reliable Fence. President Tedesco asked if the petitioner will be seeking a continuation of the public hearing until the council's second meeting in May. Attorney Bunnell said he thinks they will be ready to go by then. Chairman Gately said the committee will make no recommendation tonight.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 7:50 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees